

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)

Petition of BellSouth for Forbearance under)
47 U.S.C. § 160(c) from Title II and)
Computer Inquiry Rules with Respect)
to Its Broadband Services)

WC Docket No. 06-125

MAILED

JUL 11 2007

ORDER

FULL

Adopted: July 6, 2007

Released: July 6, 2007

By the Associate Chief, Wireline Competition Bureau:

1. In this Order, pursuant to section 10(c) of the Communications Act of 1934, as amended (the Act),¹ we extend by 90 days the date by which the petition requesting forbearance, filed by BellSouth Corporation (BellSouth),² shall be deemed granted in the absence of a Commission decision that the petition fails to meet the standards for forbearance under section 10(a) of the Act.³

2. On July 20, 2006, BellSouth filed a petition requesting that the Commission forbear from applying Title II of the Act and the Commission's *Computer Inquiry* rules to certain specified broadband services offered by BellSouth or other similarly situated carriers.⁴ Specifically, BellSouth seeks forbearance relief with regard to "packet-switched services" capable of transmitting 200 kilobits per second (kbps) or greater in each direction as well as "non-TDM-based optical networking, optical hubbing, and optical transmission services."⁵

3. Section 10(c) of the Act states that a petition for forbearance shall be deemed granted if the Commission does not deny the petition for failure to meet the requirements for forbearance under section 10(a) within one year after the Commission receives it, unless the Commission extends the one-year period.⁶ The Commission may extend the initial one-year period by an additional 90 days if the Commission finds that an extension is necessary to meet the requirements of section 10(a).⁷

4. The petition under review raises significant questions regarding whether forbearance from application of Title II of the Act and the Commission's *Computer Inquiry* rules to BellSouth's and other

¹ 47 U.S.C. § 160(c).

² See Petition of BellSouth Corporation for Forbearance under 47 U.S.C. § 160(c) from Title II and *Computer Inquiry* Rules with Respect to its Broadband Services, WC Docket No. 06-125 (filed July 20, 2006) (BellSouth Petition). BellSouth and AT&T Corp. (AT&T) merged on December 29, 2006, and the merged company retained the name of AT&T. We use "BellSouth" to refer to pre-merger BellSouth.

³ 47 U.S.C. § 160(a).

⁴ BellSouth Petition at 1-2.

⁵ *Id.* at 7. TDM is an acronym for time division multiplexing. BellSouth does not seek relief for "TDM-based special access services used to serve business customers." See *id.* at 7-8. Nor does BellSouth's petition seek relief from any universal service contribution obligations. *Id.* at 10.

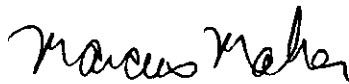
⁶ 47 U.S.C. § 160(c).

⁷ See, e.g., *Petition of Ameritech Corporation for Forbearance from Enforcement of Section 275(a) of the Communications Act of 1934, as amended*, CC Docket No. 98-65, Order, 14 FCC Rcd 6415 (Com. Car. Bur. 1999).

similarly situated carriers' broadband services meets the statutory requirements set forth in section 10(a). The Bureau thus finds that a 90-day extension is warranted under section 10(c).

5. Accordingly, IT IS ORDERED that, pursuant to section 10 of the Communications Act of 1934, as amended, 47 U.S.C. § 160, and authority delegated under sections 0.91 and 0.291 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291,⁸ the date on which BellSouth's forbearance petition shall be deemed granted, in the absence of a Commission denial of the petition for failure to meet the statutory standards for forbearance, is extended to October 18, 2007.

FEDERAL COMMUNICATIONS COMMISSION



Marcus Maher
Associate Chief
Wireline Competition Bureau

⁸ See 47 U.S.C. § 155(c).